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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT PAPER NUMBER

2137

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,492

Applicant(s)

WOLFF ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-17,19-28,30-39,41-50,52-61 and 63-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-17,19-28,30-39,41-50,52-61 and 63-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-6, 8-17, 19-28, 30-39, 41-50, 52-61, 63-74 are pending.

2. Amendment filed 10/05/2005 with a request for continued examination has been received and considered.

Claim Rejections - 35 USC § 103

3. Claims 1-6, 8, 10-17, 19, 21-28, 30, 32-39, 41, 43-50, 52, 54-61, 63, 65-66, 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Symantec System Center Implementation Guide (hereinafter Symantec) further in view of Chen et al (U.S. 5,960,170), further in view of Brown ("Data Communications") and further in view of Graham ("URLs for HTTP Servers").

As per claims 1, 12, 23, 34, 45, 56, Symantec discloses a computer program product, method, and computer comprising a computer program operable to control a reporting computer to report occurrence of an event to a receiving computer, said computer program comprising: report generating logic operable to generate report data identifying said reporting computer and said event (see pages 72-73); data retrieving logic operable to fetch requested data from said receiving computer to said reporting computer upon a request of said reporting computer (see pages 13,18).

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Symantec fails to disclose report sending logic operable to send said report data from said reporting computer to said receiving computer upon fetching of said requested data.

However, Chen et al teaches such a sending method (see column 7 lines 33-45).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Chen et al's method of sending reports to send Symantec's generated reports.

Motivation to do so would have been to provide iterative virus detection (see Chen et al column 2 lines 62-63).

The modified Symantec and Chen et al system fails to disclose sending data while fetching data.

However, Brown teaches this two way communication (see page 2).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Brown's two-way communication to send and receive the data of the modified Symantec and Chen et al system.

Motivation to do so would have been to allow both communications to work at the same time (see Brown page 2).

The modified Symantec, Chen et al, and Brown system discloses the use of URLs, but fails to disclose the data retrieving logic and said report sending logic use an internet

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URL to specify said requested data to said receiving computer, said internet URL also containing said report data to be sent to said receiving computer.

However, Graham teaches such a limitation sending of information in a URL (see section 8.1.1).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to send the data of the modified Symantec, Chen et al, and Brown system using the URLs of Graham.

Motivation to do so would have been to pass arguments to the server (see section 8.1.1).

As per claims 2, 13, 24, 35, 46, 57, the modified Symantec, Chen et al, Brown, and Graham system discloses the event is detection of a computer file containing an unwanted computer program (see Symantec page 73 figure).

As per claims 3, 14, 25, 36, 47, 58, the modified Symantec, Chen et al, Brown, and Graham system discloses the unwanted computer program is a computer virus (see Symantec page 73 figure).

As per claims 4, 15, 26, 37, 48, 59, the modified Symantec, Chen et al, Brown, and Graham system discloses the requested data is a description of said event (see Symantec pages 13 and 18).

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As per claims 5, 16, 27, 38, 49, 60, the modified Symantec, Chen et al, Brown, and Graham system discloses the event is detection of a computer file containing a computer virus (see Symantec page 73) and the requested data is a description of the computer virus (see Symantec page 18).

As per claims 6, 17, 28, 39, 50, 61, the modified Symantec, Chen et al, Brown, and Graham system discloses the event is detection of a computer file containing a computer virus (see Symantec page 73); and said requested data is an updated set of computer virus detecting data for use in detecting computer viruses (see Symantec page 18).

As per claims 8, 19, 30, 41, 52, 63, the modified Symantec, Chen et al, Brown, and Graham system discloses said reporting computer collates report data specifying one or more events that is sent together from said reporting computer to said receiving computer after fetching of said requested data (see Symantec page 73 figure).

As per claims 10, 21, 32, 43, 54, 65, the modified Symantec, Chen et al, Brown, and Graham system discloses said reporting computer and said receiving computer communicate via an internet link (see Chen et al column 5 lines 39-57).

As per claims 11, 22, 33, 44, 55, 66, the modified Symantec, Chen et al, Brown, and Graham system discloses said

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reporting data includes one or more of: a MAC address identifying a network card of said reporting computer; a date of said event; a time of said event; an identifier of a computer program used by said reporting computer to detect said event; an identifier of a version of a computer program used by said reporting computer to detect said event; an identifier of a set of event detecting data used by a computer program used by said reporting computer to detect said event; an identifier of an event type detected by said reporting computer; an action taken by said reporting computer upon detection of said event; and a checksum of a file that triggered said event (see Symantec page 73).

As per claims 72-74, the modified Symantec, Chen et al, Brown, and Graham system fails to disclose: not displaying the URL, displaying the URL as a link and selecting the link sends a request to the receiving computer.

However, Official Notice is taken that at the time of the invention one of ordinary skill in the art would have displayed the URL as a link and that the link sends a request.

Motivation to do so would have been to give a description of what the URL will lead to, and select the link to bring the user to the location specified by the URL.

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4. Claims 9, 20, 31, 42, 53, 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Symantec, Chen et al, Brown, and Graham system as applied to claims 1, 12, 23, 34, 45, 56 above, and further in view of Menezes et al ("Handbook of Applied Cryptography").

As per claims 9, 20, 31, 42, 53, 64, the modified Symantec, Chen et al, Brown and Graham system fails to disclose the report data is encrypted by said reporting computer and decrypted by said receiving computer.

However, Menezes et al discloses encrypting of data (see pages 15-16).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Menezes et al's method of encryption to encrypt the report data of the modified Symantec, Chen et al, Brown and Graham system.

Motivation to do so would have been achieve confidentiality (see Menezes et al page 12):

5. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Symantec, Chen et al, Brown, and Graham system as applied to claim 1 above, in view of Norton (Norton AntiVirus Corporate Edition Implementation Guide) in view of Grundy (US 5291598).

The modified Symantec, Chen et al, Brown, and Graham system discloses the report data includes: the identity of the computer, the date, the time, the computer program used, and the type of event (see Symantec page 73).

The modified Symantec, Chen et al, Brown, and Graham system fails to disclose including a MAC address, a version of the program used, an identifier of a set of event detecting data used, an action taken by the computer, and a checksum of the file.

However, Norton teaches a version of the program used, an identifier of a set of event detecting data used, an action taken by the computer (see pages 286-287) and Grundy teaches using a checksum of a file (see column 18 lines 45-57).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the information of Norton and the checksum of Grundy in the modified Symantec, Chen et al, Brown, and Graham system.

Motivation to do so would have been to be able to view the virus activity and scanning on the network (see Norton page 286) and to make sure the file isn't corrupt (see Grundy column 18 lines 45-57).

Official Notice is taken that at the time of the invention it would have been obvious to use a MAC address to identify the

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computer. Motivation to do so would have been that MAC addresses provide a unique identity of a computer.

6. Claims 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Symantec, Chen et al, Brown, and Graham system as applied to claim 1 above, and further in view of Williams (US 20020138435).

As per claims 68-69, the modified Symantec, Chen et al, Brown, and Graham system discloses running a script on the receiving computer (see Graham), but fails to disclose using the script to decrypt data.

However, Williams teaches a script is used for encrypting and decrypting data (see paragraphs 16 and 42).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include a decryption script the modified Symantec, Chen et al, Brown, and Graham system.

Motivation to do so would have been to prevent illicit copies of the information (see Williams paragraph 42).

7. Claims 70-71 rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Symantec, Chen et al, Brown, and Graham system as applied to claim 1 above, and further in view of Cox et al (US 6842861).

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As per claims 70-71, the modified Symantec, Chen et al, Brown, and Graham system fails to disclose including a driver that started a virus in a report.

However, Cox et al teaches a driver starting a virus (see column 1 lines 21-39).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the driver that started the virus on a report.

Motivation to do so would have been to know what was infected (see column 1 lines 21-39).

Response to Arguments

8. Applicant's arguments filed 03/20/2006 have been fully considered but they are not persuasive. Applicant argues the URL of Graham does not specify the requested data; Symantec fails to disclose a description of the event; Symantec does not show the requested being a description of the computer virus; the report data of Symantec is not sent together from the reporting computer to the receiving computer during the fetch of the requested data.

Regarding Applicant's argument that the URL of Graham does not specify the requested data, Applicant is reminded that one cannot show nonobviousness by attacking references individually

where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Graham is relied upon to show that a URL a send data and this data is what is defined as the requested data in the combination of Symantec and Chen et al.

Regarding Applicant's argument that Symantec fails to disclose a description of the event, the alert described on pages 13, 18 and 73 of Symantec clearly describe an event, by showing when, where and what happened.

Regarding Applicant's argument that Symantec does not show the requested being a description of the computer virus, Symantec is relied upon for its teaching of the report data with the report data describing an event, by showing when, where and what happened and Chen et al teaches sending the requested report data.

Regarding Applicant's argument the report data of Symantec is not sent together from the reporting computer to the receiving computer during the fetch of the requested data; Symantec teaches generating a list of all alerts generated by the network computers. In the combination these alerts were collected during the fetch of the requested data as taught by Chen et al, therefore, the combination teaches collating report

data specifying one or more events sent together from the reporting computer to the receiving computer during the fetch of the requested data.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP


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